

Remarks

Applicant has reviewed the Office Action dated as mailed April 7, 2005 and the documents cited therewith and the present amendment has been prepared in response thereto. Independent claims 1, 30 and 33 have been amended. Dependent claims 3, 4, 17, 18, 32 and 36 have been amended to properly depend from the amended independent claims. It is submitted that claims 1, 30 and 33 as amended and claim 26 as originally presented in this application define over the art relied on by the Examiner and are allowable.

The Examiner rejected all of the independent claims as being anticipated by Sorensen under 35 U.S.C. 102(b). Sorensen discloses a shear with a removable blade 44. Referring to Fig. 3A of Sorensen, blade 44 has a longitudinal axis A-A and a transverse axis B-B. The blade is substantially symmetrical about its transverse axis B-B. The body of the blade includes first cutting portion 52 and second cutting portion 54 spaced from each other by a central portion 56. The first cutting portion has a first cutting edge 58 and a first rear portion 60. The second cutting portion 54 has a second cutting edge 62 and a second rear portion 64. The first cutting edge 62 and the second cutting edge 64 extend longitudinally in opposite directions from the central portion in such a manner that the first cutting edge 58 and the second rear portion 64 define at least a part of the first exterior portion 48 of the body. Similarly, the second cutting edge 62 and the first rear portion 60 represent at least a part of the second exterior portion 50.

As is evident from this description and Fig. 3A the first cutting edge 62 lays opposite to the first rear portion 60 across longitudinal axis A-A and the second cutting edge 64 lays opposite to the second rear portion 64 across longitudinal axis A-A. Because of this configuration the blade of Sorensen has a large length (the distance along longitudinal axis A-A) to width (the distance along transverse axis B-B) ratio. This blade also has a long perimeter. These factors make the blade more difficult to manufacture, create material waste, require additional fasteners to fix the blade in place and require curvature to generate interference as explained in the "Background of the Invention" section of the instant application. The blade of the invention is an improvement over the Sorensen blade and as claimed defines subject matter that defines over the Sorensen reference.

The invention set forth in claim 1 as amended requires that the first cutting edge be counterposed to said second cutting edge across a longitudinal axis of said blade. It is clear from the written description and drawings of the instant application that this means that the cutting edges must be arranged opposite to one another along the longitudinal axis. In Sorensen there is no teaching or suggestion for this limitation. The claimed invention is an improvement over the Sorensen device and the difference between the claimed invention and the device disclosed in Sorensen is discussed in the instant application and that difference is specifically claimed.

Independent claim 26 requires as one of the method steps “rotating said first removable blade 180 degrees around its longitudinal axis.” In Sorensen there is no teaching or suggestion for this limitation. In Sorensen the blade must be rotated along an axis coextensive to pivot pin 24. This axis is not the longitudinal axis of the blade.

Independent claim 30 as amended requires that the removable blade comprise two cutting edges counterposed across a longitudinal axis of said blade. Likewise independent claim 33 has been amended to require a first pair of blades, each of the first pair of blades having two cutting edges counterposed along a longitudinal axis of the blades, each of said first pair of blades reversibly positionable on respective ones of said handles. As described with reference to claim 1, Sorensen does not teach or suggest these limitations

The Examiner rejected all of the independent claims as being anticipated by Sorensen under 35 U.S.C. 102(b). It is axiomatic that for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the invention.

Regarding independent claim 1 the Examiner states that the blades have cutting edges 58 and 62. The cutting edges must be counterposed across a longitudinal axis of said blade. The Examiner does not point to any disclosure in the Sorensen reference that meets this claim limitation because Sorensen does not disclose this structural arrangement. Thus, Sorensen is not an anticipatory reference under 35 U.S.C. 102 against claim 1.

Regarding independent claim 26 the Examiner states that Sorensen discloses the method comprising the step of “rotating the first blade 180 degrees.” The Examiner ignores the claim limitation that the cutting edges must be rotated around the longitudinal axis of the blade. The failure of the Examiner to point to any disclosure in the Sorensen reference that meets this claim limitation is because Sorensen utterly fails to disclose this step. Thus, Sorensen is not an anticipatory reference under 35 U.S.C. 102 against claim 26.

Regarding independent claim 30 the Examiner states that Sorensen discloses ‘blades comprising two edges 160’ and 162’ counterposed.’’ Claim 30 now requires that the cutting edges must be counterposed across a longitudinal axis of the blade. Again the failure of the Examiner to point to any disclosure in the Sorensen reference that meets this claim limitation is because Sorensen utterly fails to disclose this limitation. Thus, Sorensen is not an anticipatory reference under 35 U.S.C. 102 against claim 30 as amended.

Regarding claim 33, the Examiner fails to reference any disclosure in Sorensen that meets the claim limitations. Claim 33 requires a first pair of blades, each of the first pair of blades having two cutting edges counterposed along a longitudinal axis of the blades, each of said first pair of blades reversibly positionable on respective ones of said handles. Again the failure of the Examiner to point to any disclosure in the Sorensen reference that meets this claim limitation is because Sorensen utterly fails to disclose this limitation. Thus, Sorensen is not an anticipatory reference under 35 U.S.C. 102 against claim 33 as amended.

The remaining claims, either directly or indirectly, all depend from one of independent claims 1, 26, 30 or 33 and are allowable for the same reasons. The Applicant respectfully submits that all of the claims in the present application are in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of the claims at the earliest possible date are respectfully solicited.

If the Examiner has any questions about the present Amendment a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

J. Conrad Vogel

(Applicant)

Date: 7/27/05

By:



Dennis J. Williamson
Registration No. 32,338

Moore & Van Allen, PLLC
P.O. Box 13706
Research Triangle Park, NC 27709
Telephone: (919) 286-8000
Facsimile: (919) 286-8199